IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 20707 of 1995

Between:

1 K.Narayana S/o Mogulappa,age 45 years,
R/o Old Tandur, Ranga Reddy District.
2 K.Krishna S/o Mogulappa, age 40 years,
R/o Old Tandur, Ranga Reddy District.

..... PETITIONERS

AND

1 State of A.P, Revenue Department, Secretariat, rep by its Secretary
Revenue Department, Hyderabad.
2 The Revenue Divisional Officer/Sub Collector cum Land

Acquisition Officer,Vikarabad, Ranga Reddy District.
3 The Mandal Revenue Officer
Tandur, Ranga Reddy District.
4 The South Central Railway rep by its General Manager,
at Secundrabad.
5 The Divisional Engineer, (Doubling II) South Central Railaway,
Tandur, Ranga Reddy District.
6 The Collector
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in depriving the petitioners of their land bearing survey No.1/2 admeasuring Ac.3.20 guntas situated at Tandur village, as otherwise than in due process of law, as illegal, arbitrary and without jurisdiction and

contrary to the provisions contained in Art..300-A of the Constitution of India and consequently to direct the respondents to forthwith issue notification under section 4(1) of the Land Acquisition Act.

Counsel for the Petitioner:MR.K.RAGHUVEER REDDY

Counsel for the Respondent Nos. 1 to 3 & 6 : GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

This writ petition is filed seeking a Writ of Mandamus by declaring the action of the respondents in depriving the petitioners of their land bearing Survey No.1/2 admeasuring Ac.3.20 guntas situated at Tandur Village as otherwise than in due process of law, as illegal, arbitrary and consequently to direct the respondents to forthwith issue notification under Section 4(1) of the Land Acquisition Act and pass award as per letter dated 24-4-1991 of the Special Deputy Collector, Land Acquisition, General, Hyderabad.

The grievance of the petitioners in the present Writ Petition is that the land, admeasuring acres 3.20 guntas situated at Tandur Village has been acquired for laying down a double line of the Railways by the South Central Railway in Survey No.1/2 in the year 1988. But however, the respondents have not chosen to issue notification under Section 4(1) of the Land Acquisition Act,1894 and did not pay the compensation. The material papers annexed to the Writ Petition show that the Railway authorities issued proceedings vide No.S.C.WC.398/P/MQR/1A/D dated 23-5-1989 stating that they have no objection for acquiring the entire land, in view of the representation made by the petitioners to the Chief Engineer (Construction) South Central Railway, Secunderabad.

According to the learned counsel for the petitioners, the representation is remained with the Railway authorities as on today and the Railway authorities have not sent the revised proposal with respect to Survey No.1/2. The land has been taken in possession by the Railway Authorities in December,1988 and double line has been laid down in the village. In view of the fact that the correspondence between the petitioners and the Railway Authorities goes to show that the proposals

have been taken up to acquire the entire area of Ac.3-20 guntas in Survey No.1/2 and the letter bearing No.No.J/2064/90 dated 24-4-1991 addressed by Special Deputy Collector, Land Acquisition (General) Hyderabad to the Divisional Engineer Doubling II, S.C.Railway, Tandur, goes to show that the Divisional Engineer, South Central Railway, Secunderabad has already taken decision to acquire the entire area of 3.20 in Survey No.1/2 ,instead of Ac.1.18 guntas of land, as the balance area of the land is of no use for utilization to the owner.

In view of the undisputed fact that the land has been taken in possession in December, 1988 itself, for laying double line and double line has already been laid down, it would be suffice to say that an opportunity has to be granted to the petitioners to make a fresh representation to the Respondent No.4 for payment of compensation in accordance with law.

This Writ Petition is disposed of with an observation that the petitioners are at liberty to make a fresh representation to the Respondent No.4 for payment of compensation in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, and, as and when, such representation is being made, the same shall be disposed of in accordance with law within a period of three months thereof.

07-10-2004

Stp

Assistant Registrar

To:

1 The Secretary, Secretariat, State of A.P, Revenue Department, Hyderabad.
2 The Revenue Divisional Officer/Sub Collector cum Land

Acquisition Officer,Vikarabad, Ranga Reddy District.
3 The Mandal Revenue Officer
Tandur, Ranga Reddy District.

4 The General Manager, South Central Railway,
Secundrabad.
5 The Divisional Engineer, (Doubling II) South Central Railway,
Tandur, Ranga Reddy District.
6 The Collector,
Ranga Reddy District.

7. 2 CCs to G.P. for Land Acquisition, High Court of A.P.,Hyderabad.(OUT)

8. 2 CD copies

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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